

SUPPORTING STATEMENT

Petition to Remove the Conditions on Residence

Form I-751

(OMB No. 1615-0038)

A. Justification.

1. As provided for in 8 CFR parts 103, 216 and 245 of the Immigration and Nationality Act (Act) (8 U.S.C. 1103, 1186a and 1255), aliens granted conditional residence through marriage to a United States citizen or permanent resident use Form I-751 to petition for removal of those conditions.
2. The information collected on this form is used to verify the petitioner's status and determine whether the conditional resident is eligible to have the conditions of his or her status removed. The conditional resident may include his or her children on the petition, or they may file separately. The Form I-751 is filed jointly by the conditional resident and the spouse through whom he or she obtained conditional residence if they are still married. The conditional resident may apply for a waiver of the joint filing requirement if:
 - The conditional resident entered the marriage in good faith, but his or her spouse subsequently dies;
 - The conditional resident entered the marriage in good faith, but the marriage was later terminated due to divorce or annulment;
 - The conditional resident entered into the marriage in good faith and remain married, but has been battered or subjected to extreme cruelty by the citizen or permanent resident spouse;

- The conditional resident's termination of status and deportation would result in extreme hardship.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the U.S. Citizenship and Immigration Services (USCIS) does not employ the use of information technology in collecting and processing information. Currently, the USCIS does not have the automated capability in place to accept electronic submission of applications. However, this form is available for downloading from the USCIS web site.
 4. A review of the USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
 5. This collection of information does not have an impact on small businesses or other small entities.
 6. The collection is required to verify the status of the conditional resident and to determine his or her eligibility for the removal of the conditions. Lacking the Form I-751 that provides appropriate instructions, conditional residents would have to spend hours to develop affidavits, narratives, etc., to petition for removal of the conditions. This situation would significantly increase the burden on the public, without the individual petitioner knowing whether he or she submitted sufficient information to satisfy removal of the conditions.
 7. There are no special circumstances applicable to this information collection.

8. The USCIS published a notice in the Federal Register, notified the public of the currently approved information collection. The notice allowed for a 60-day review and comment period; no comments were received during that period.
9. The USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. Conditional residents who are battered spouses or children are protected by confidentiality provisions of 8 CFR 103, 242 and 292. There are no other assurances of confidentiality.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:

| | | |
|----|------------------------------------|---------------|
| a. | Number of Respondents | 118,008 |
| b. | Number of Responses per Respondent | 1 |
| c. | Total Annual Responses | 118,008 |
| d. | Hours per Response | 1.33 |
| e. | Total Annual Reporting Burden | 156,951 |
| f. | Total Public Cost | \$ 16,320,510 |

The projected hours per response for this collection of information were derived by dividing the process into three actions:

| | |
|--------------------------------------|------------|
| Learning about the law and the form: | 15 minutes |
|--------------------------------------|------------|

| | |
|---------------------------------|------------|
| Completion of the form: | 15 minutes |
| Assembling and filing the form: | 50 minutes |
| <i>TOTAL Hours</i> | 1.33 Hours |

For the first two actions, tests were used to determine completion times. Persons who were not conversant with immigration processes were used to determine the average completion time. The third action of the process -- assembling and filing the form -- was broken down into subtasks. For example, a petition to remove conditions on residence is filed directly by mail with the appropriate USCIS Center, with the interview held at the local USCIS office, if deemed necessary. The filing of the form with the USCIS Center reduces the burden on the applicant.

Annual Reporting Burden

The annual reporting burden is 156,951. This figure was derived by multiplying the number of respondents (118,008) x frequency of response (1) x 1 hour and 20 minutes per response (1.33). This burden estimation is based on prior USCIS experience with the program and includes the time required to review instructions, gather data needed and complete the collection of information.

Public Cost

The estimated annual public cost is \$16,320,510. This estimate is based on the number of respondents 118,008 x 1.33 hours per response x \$10 (Average hourly rate). Additionally, this figure includes the number of respondents 118,008 x the fee charge of \$205.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are identified in Item 14.
(There is a \$205 fee associated with the collection of this information.)

14. Annualized Cost Analysis:

| | | | |
|----|--------------------------------|----|------------|
| a. | Printing Cost | \$ | 53,103 |
| b. | Collection and Processing Cost | \$ | 14,697,897 |
| c. | Total Cost to Program | \$ | 14,751,000 |
| d. | Fee Charge | \$ | 0 |
| e. | Total Cost to Government | \$ | 14,751,000 |

Government Cost

The estimated cost to the Government is \$ 14,751,000. This figure is calculated by using the estimated number of respondents 118,008 multiplied by the suggested fee charge of \$125 (which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form, which is \$53,103.

15. There has been no increase or decrease in the estimated burden hours previously reported for this information collection.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. The USCIS is seeking approval to not display the expiration date of OMB approval of this information collection. The display of the expiration date would require the USCIS to pull and destroy current forms in its inventory as well as the inventories of other

agencies that contain outdated expiration dates, but could still be used by the public because the information requested on the form is still valid except for the expiration date. Additionally, the cost of reprinting this form (\$648,000) is not economically feasible.

18. The USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Richard A. Sloan

Director

Regulatory Management Division

U.S. Citizenship and Immigration Services

Date